

when federal employees **COMPLAIN**

BY IRVING KATOR
Assistant to the Executive Director
U.S. Civil Service Commission



LAST JULY the Civil Service Commission established a Complaint Office in Washington to receive complaints and inquiries from Federal employees (and members of the public, too) on matters involving the Federal personnel system. This was a first for the Commission and a new venture into some unexplored areas of personnel administration and human relations.

WHY A COMPLAINT OFFICE?

Federal employees have regular grievance and appeal channels which begin in the employing agency and in the case of adverse actions (dismissals, suspensions, etc.) include appeal to the Commission. These appeal rights are well established and the new Complaint Office was not intended to supplant them.

But despite the opportunity for Federal employees to complain formally through both agency and Commission channels, there seemed to the Commission to be a need for a place to which an employee who had a problem could come and get sympathetic understanding and assistance from a knowledgeable staff member—a place where his complaint, if justified, could get swift corrective action.

In announcing the new Office, the Commission stated that it would continue to look to Federal agency managers to handle complaints from their employees fairly and expeditiously. However, the new Complaint Office would be a single point in the Commission to which employees could come or write about the problems they had not been able to resolve satisfactorily by other means. It would also serve employees who believe their rights under the Federal personnel system had been adversely affected by agency action.

All employees would be free to come or write to or call the Complaint Office when they felt it would be of help to them. However, if their problem was one for which a remedy existed (such as an appeal channel), they would be advised of the remedy and how to pursue it.

In short, it was recognized that employees do have problems which a third-party ear and helping hand might quickly straighten out or alleviate. It was recognized, too, that employees often need only information and that their "problems" might be solved this way. Government is complex and it seemed advisable to have an office that could give employees signposts and directions when they needed help. Important also in the establishment of the office was the fact that in a large system with 3 million employees injustices are bound to occur. There should be a place for an employee to go to get relief. Above all, the Commission was telling employees, "If you've got a beef, we will try to help."

VOLUME OF COMPLAINTS

One of the main concerns in establishing the new office was the workload it might generate. Didn't every

employee in the Federal Government have a complaint? Wouldn't the office be inundated with complaints and problems? Actually the contrary was true. For the first 12 weeks of operation an average of 105 complaints or problems per week were brought to the attention of the office either in person, by telephone, or by letter. As word of the new Complaint Office gets around, additional business may be created.

But the fear of being inundated has now evaporated. This doesn't mean that Federal employees are the most satisfied employees in the world. It does mean that the overall employee-management climate and the normal grievance and appeal channels are such that the vast majority of employees have no reason to visit, call, or write the Complaint Office. This in itself was a comforting revelation to those in the Commission who had heard so much about "employee unrest."

An important feature of the new office is its ability to provide information upon request. Often what is regarded as a complaint or what may develop into a complaint is simply, at least initially, a need for information. When the information is provided, the complaint may be avoided. This is so even though the information provided may be adverse to the employee. For example, "Why wasn't I promoted?" When the reasons are explained and the Merit Promotion System made understandable to the employee, many times (but not always) his concern disappears. He may not be satisfied—he still wants the promotion—but he is able to understand some of the reasons why the other fellow got the job.

The new office provides a sympathetic ear and human compassion for the other fellow's problem. This is an important function, sometimes the most important one it can provide. Many employee problems cannot be solved by administrative action; they can't be solved except by the employee himself. These may be personal matters affecting the individual—a problem with a colleague, for example. If the employee can talk this kind of problem out, can have someone listen sympathetically, the matter may become less important to him. Maybe he just needed an opportunity to ventilate the subject. Sometimes, of course, more than this happens. Depending on the problem, the Complaint Office may call the agency personnel office and arrange adjustments that can be helpful to the employee.

ROLE OF THE AGENCIES

One can ask why employees do not talk to the personnel officials in their agencies on such problems. Of course they should and they do. The extent to which the agency gets the confidence of its employees in this regard, the better the entire personnel operation is in that agency.

At the same time, for one reason or another, employees might prefer a third party to hear their story. It may

Ombudsman for the federal government?

be a matter that an employee is reluctant to raise in his agency despite every assurance that the matter would be kept confidential. This is understandable and in no way a reflection on the agency. Even though the third party, in this case the Commission, may provide the same information the employee received from the agency, the facts gain in credibility when verified by the Commission and the information previously given by the agency may then be accepted.

Most matters employees complain about can be resolved only by the employing agency—a transfer, a correction of personnel records, a promotion. The Complaint Office gets in touch with a designated person in the personnel office of each agency who serves as a contact point for the Complaint Office. The agency personnel office sees what it can do to resolve the problem. Sometimes it can; many times it can't. Maybe the problem was caused by an oversight; maybe something fell between the cracks; maybe a little human compassion was needed and the personnel office can see that it is provided.

ARE GRIPES LEGITIMATE?

All complaints received by the Complaint Office are legitimate in the sense that the employee feels deeply about them or else he would not go this route. But how many are the kind in which the employee has been wronged and on which corrective action should be taken? Actually not many, but there are some, and it is these cases where intervention by the Complaint Office is most helpful.

Inquiries to agencies by the Complaint Office can be instrumental in helping the agency reach a decision which might otherwise go against the employee. The fact that a third party discussed it with the agency may help the agency clarify the position it will take with respect to the employee.

Maybe the employee should be given a second chance. More often than not, the Complaint Office intervention will result in no change in the agency's position because the agency is on sound ground and there is no basis for change. These cases are fully explained to the employee, however, by the Complaint Office or by the agency and, hopefully, the employee is at least more satisfied because of the explanation.

THE KIND OF COMPLAINTS

The complaints run the gamut from "Why was my desk moved?" to discharge or suspension. If an employee

is being discharged and comes to the Complaint Office, he is informed of the appeal channels available to him. An appointment is made with the proper officials in the Civil Service Commission who can be of assistance. How an employee can appeal is explained to him. If the employee complains of discrimination, he is informed of the discrimination complaint procedure and the Equal Employment Opportunity official in his agency is contacted and asked to look into the matter. Sometimes the contact alone is enough to bring the parties together and resolve the matter without a formal complaint.

The largest single category of complaints is promotion. This is understandable. People want to get promotions; many are qualified. But there is usually only one job to be filled by some one person. Questions can be resolved best in these cases by explaining the Merit Promotion Plan to the employee. Lack of communication is still with us and more often than not is the cause of employees' dissatisfaction on their "problems."

Other problems involve questions of transfer, right to benefits, discharge from employment, and supervisor-employee relations. They run from very complex and highly emotional issues to "Why didn't I receive my annuity check on time?" The office straightens out the annuity check complaint in no time.

IS THIS AN OMBUDSMAN?

An early question about the new office was whether it was an Ombudsman. It is not an Ombudsman. The Complaint Office of the Civil Service Commission reports directly to the Chairman. While it is established at a high level in the Commission, it is within the Commission and not outside and in this sense does not meet the main criterion for an Ombudsman—*independence of the Executive*.

The Scandinavian Ombudsmen report to their legislatures, for example. Quite the contrary for the Complaint Office—it is part and parcel of the executive branch.

But there are similarities—real ones—between the Office and the Ombudsman. The Complaint Office will listen to any employee who believes he has a problem. An Ombudsman will, too. The Complaint Office will ask an agency to look into a matter where it believes the agency can take action to correct the complaint. An Ombudsman will do this, too, and usually has the power to request documents and reports about the case. If the agency's explanation is satisfactory, both the Complaint Office and the Ombudsman will accept it. (Incidentally, both

have about the same batting average. In about 10 percent of all cases coming to their attention, some action of benefit to the complainant is taken.)

The Ombudsman usually makes a report with recommendations for legislation to correct the problems he has uncovered. One of the many benefits of the Complaint Office will be the information developed about the kind of problems which trouble employees and the steps that can be taken to eliminate the problems. New insight into human relations in the Federal service may be realized. The Complaint Office will periodically report to agency personnel directors on the nature of the complaints and what they mean in terms of agency personnel management. Agency practices are bound to be changed in some respects when this information is provided to them.

The Complaint Office has something over the Ombudsman in one way. When the complaint is justified and action warranted, the Civil Service Commission can order corrective action. Actually to date this has not been necessary. Federal administrators are very much concerned with the protection of employee rights and, if an improper course of action is explained to them, correction will follow immediately.

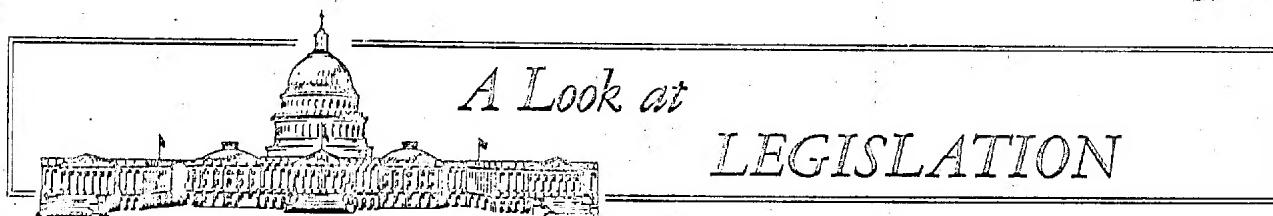
Like the Ombudsman, the Complaint Office cannot function unless there is a genuine desire on the part of agency administrators to administer their programs fairly and properly. It is only in an atmosphere where the rights of employees are recognized and where administrators want to do the right thing that the Complaint Office or

Ombudsman can function. It is a tribute to personnel administrators that the Complaint Office has been successful in its operation.

FUTURE OF THE COMPLAINT OFFICE

The Complaint Office should go out of business. That is its sole objective. Federal agencies should be able to provide much the same service that the Complaint Office now provides. Maybe a third party to hear the employee's complaint will always be necessary. At the same time, when employees develop full confidence in the personnel office, they will take complaints there and have them resolved on the spot. This is the objective toward which Federal agencies should work. Many little complaint desks in Federal agencies isn't a bad idea. Better communication with employees is a good idea, too. This is a rule now observed mostly in the breach. Big complaints often come from a little lack of understanding. Often it isn't the employee's fault that he doesn't understand. Government is large; the system is not as simple as we would like it to be; the problems are complex.

But every effort must be made in the agency to keep employees informed of personnel matters which affect them and which they have a right to know about. There should be more person-to-person communication and the employee should have the opportunity within the agency to get the sympathetic ear and human understanding which is the biggest stock in trade of the Complaint Office.



Major personnel legislation enacted by the Second Session, 90th Congress:

APPOINTMENT

Public Law 90-351, approved June 19, 1968, title VI, section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968, provides that after the service of the present incumbent terminates, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate prescribed for level II of the Federal Executive Salary Schedule.

APPROPRIATED FUND RESTRICTIONS

Public Law 90-479, approved August 12, 1968, title V, section 510, of the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969, bars the use of funds

appropriated under this or any other Act to finance inter-departmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946, unless they have prior and specific congressional approval of such method of financial support.

Other appropriation acts with provisions similar to Public Law 90-479 were passed.

Public Law 90-550, Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969. (Sec. 307—Bars use of appropriated funds under this Act only, except that during 1969 appropriations of certain departments and agencies shall be available up to certain specified amounts for (a) President's Council on Youth Opportunity; (b) Interagency Committee on Mexican-American Affairs; (c) U.S.-Mexico Commission on Border Development and Friendship; and (d) National Council on Indian Opportunity.)